

875

BK 0935 PG 0057

BOOK

626 PAGE 1000

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

VIRGINIA:

#1122

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-1015-1083

ELECTIONS: UNIT EE-36
(herein "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked "Tract Identifications" which is attached to and a part of this order.

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on July 11, 2003 which was recorded at Deed Book 883, Page 739 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on July 14, 2003, and also recorded at Deed Book 587, Page 282 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 14, 2003, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit EE-36;


Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

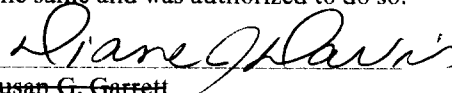
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8th day of March, 2005, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

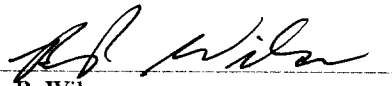
STATE OF VIRGINIA
COUNTY OF WISE Washington

Acknowledged on this 11th day of March, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary

My commission expires: 9/30/05.

DONE AND PERFORMED THIS 11th day of March, 2005, by Order of the Board.


B. R. Wilson,
Director of the Division of Gas & Oil Board and
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 11th day of March, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05.

Order Recorded Under Code of
Virginia Section 45.1-361.26

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit EE-36
VGOB 02-1015-1083 in the Maiden Springs District of Tazewell County and the New Garden District of Russell
County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS, ESCROW
AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager - Environmental / Permitting and is
duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on July 11, 2003, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the
captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by
the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant
caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent
named in the captioned Application, whose address was known, and to all persons, if any, who were added as
Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to
the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written
elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified
above; that said Order was recorded on July 14, 2003 in Tazewell County and Russell County;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and
all written documents received other than by mail to ascertain whether parties whose interests have been pooled have
made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to
identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or
otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased
their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of July 11, 2003;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling
the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

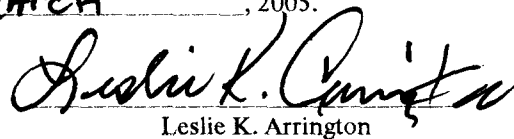
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

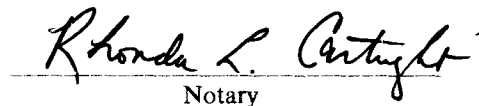
None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 3RD day of MARCH, 2005.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental / Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 3rd day of March, 2005.

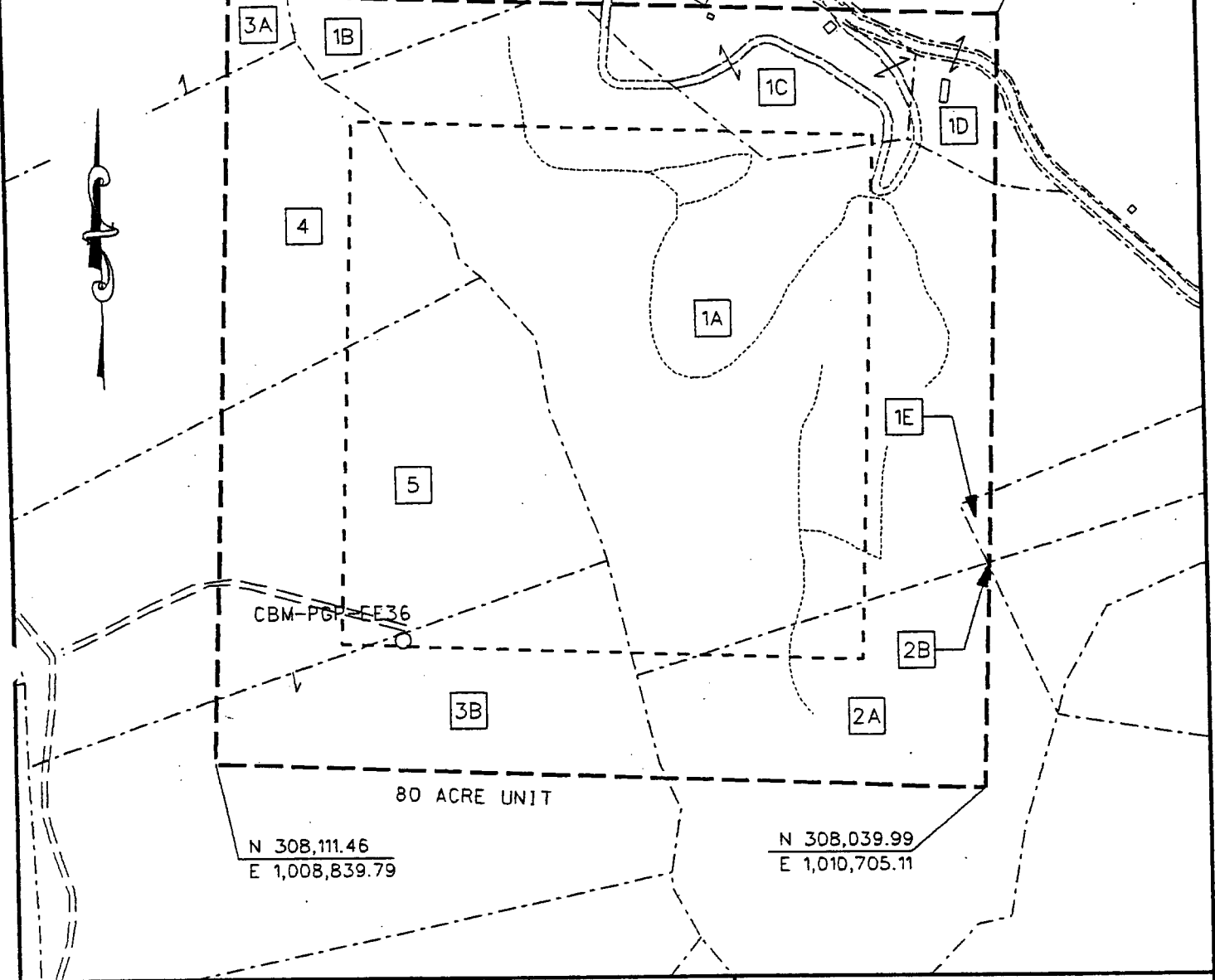

Notary

My commission expires: 10/31/05.

N 309,980.54
E 1,008,907.72

N 309,909.20
E 1,010,772.98

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80 ACRE UNIT

N 308,111.46
E 1,008,839.79

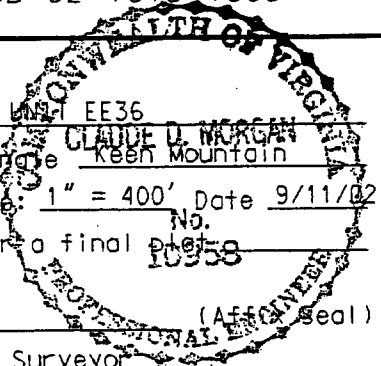
N 308,039.99
E 1,010,705.11

EXHIBIT A
OAKWOOD FIELD UNIT EE-36
FORCE POOLING
VGDB-02-1015-1083

Company Pocahontas Gas Partnership Well Name and Number Unit EE36
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Tazewell/Russell District Maiden Springs/New Garden Scale: 1" = 400' Date 9/11/02
This plot is a new plot X ; an updated plot _____ ; or a final plot _____

Form DGD-GD-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
UNIT EE-36
Tract Identifications

1. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 38 – All Minerals
 Reserve Coal Properties Company – Below Drainage Coal Leased
 Knox Creek Coal Corporation – Above Drainage Coal Leased
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 42.30 acres 52.8750%

- 1A. James McGlothlin, et ux – Surface (Tax Map 84 Parcel 106)
- 1B. Harold D. McGlothlin, et al – Surface (Tax Map 84 Parcel 107)
- 1C. Charles G. McGlothlin, et al – Surface Tax Map 84 Parcel 108)
- 1D. Charles G. McGlothlin, et al – Surface (Tax Map 84 Parcel 110)
- 1E. Grady G. McGlothlin – Surface (Tax Map 84 Parcel 111)

- 2A. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 18 – Coal
 Consolidation Coal Company – Below Drainage Coal Leased
 Knox Creek Coal Corporation – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 James M. McGlothlin, et ux – Surface, Oil and Gas
 (Tax Map 84 Parcel 116)
 7.45 acres 9.3125%

- 2B. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 18 – Coal
 Consolidation Coal Company – Below Drainage Coal Leased
 Knox Creek Coal Corporation – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Grady G. McGlothlin – Surface, Oil and Gas
 (Tax Map 84 Parcel 115)
 0.01 acres 0.0125%

- 3A. William R. McCall – Fee
 CNX Gas Company LLC – CBM Leased
 (Tax Map 84 Parcel 101)
 0.52 acres 0.6500%

- 3B. William R. McCall – Fee
 CNX Gas Company LLC – CBM Leased
 (Tax Map 84 Parcel 107)
 8.15 acres 10.1875%

4. Avis Belle Plaster, et al (Lot 5) – Fee
 CNX Gas Company LLC – Oil and Gas Leased (69.1%)
 CNX Gas Company LLC – CBM Leased (81.61%)
 (Tax Map 84 Parcel 4)
 7.53 acres 9.4125%

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CNX Gas Company LLC
UNIT EE-36
Tract Identifications

5. Avis Belle Plaster, et al (Lot 6) – Fee
 CNX Gas Company LLC – CBM Leased (100%)
 (Tax Map 84 Parcel 2)
 14.04 acres 17.5500%

CNX Gas Company LLC
UNIT EE-36
Tract Identifications

1. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 38 – All Minerals
Reserve Coal Properties Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
42.30 acres 52.8750%
- 1A. James McGlothlin, et ux – Surface (Tax Map 84 Parcel 106)
- 1B. Harold D. McGlothlin, et al – Surface (Tax Map 84 Parcel 107)
- 1C. Charles G. McGlothlin, et al – Surface Tax Map 84 Parcel 108)
- 1D. Charles G. McGlothlin, et al – Surface (Tax Map 84 Parcel 110)
- 1E. Grady G. McGlothlin – Surface (Tax Map 84 Parcel 111)
- 2A. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 18 – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
James M. McGlothlin, et ux – Surface, Oil and Gas
(Tax Map 84 Parcel 116)
7.45 acres 9.3125%
- 2B. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 18 – Coal
Consolidation Coal Company – Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Grady G. McGlothlin – Surface, Oil and Gas
(Tax Map 84 Parcel 115)
0.01 acres 0.0125%
- 3A. William R. McCall – Fee
CNX Gas Company LLC – CBM Leased
(Tax Map 84 Parcel 101)
0.52 acres 0.6500%
- 3B. William R. McCall – Fee
CNX Gas Company LLC – CBM Leased
(Tax Map 84 Parcel 107)
8.15 acres 10.1875%
4. Avis Belle Plaster, et al (Lot 5) – Fee
CNX Gas Company LLC – Oil and Gas Leased (69.1%)
CNX Gas Company LLC – CBM Leased (81.61%)
(Tax Map 84 Parcel 4)
7.53 acres 9.4125%

CNX Gas Company LLC**UNIT EE-36****Tract Identifications**

5. **Avis Belle Plaster, et al (Lot 6) – Fee**
 CNX Gas Company LLC – CBM Leased (100%)
 (Tax Map 84 Parcel 2)
 14.04 acres 17.5500%

Docket #VGOB 02-1015-1083
List of Unleased Owners/Claimants

	Acres in Unit	Interest in Unit
I. COAL FEE OWNERSHIP		
<u>Tract #4, 7.53 acres</u>		
(1) Avis Belle Plaster, et al. (Emily McGlothlin Heirs) (Lot #5)	7.53 acres	9.4125%
(a) Pearl Ethel Boyd Heirs, Devisees, Successors or Assigns		
(a.1) Bennie Boyd Rt.1 Box 40A Raven, VA 24639	0.188 acres 1/40 of 7.53 acres	0.2353%
(b) Claudine R. Campbell Box 100 Edwards Street Narrows, VA 24124	0.105 acres 1/72 of 7.53 acres	0.1307%
(i) Ida Mae Mitchell 890 Euhartage Road Caterville, GA 30120	0.035 acres 1/216 of 7.53 acres	0.0436%
(n) Helen Vandyke Heirs, Devisees, Successors or Assigns		
(n.1) Elmer Vandyke Rt.1 Box 40 Raven, VA 24639	0.188 acres 1/40 of 7.53 acres	0.2353%
(p) Roy Lee Vandyke 102 Apt. Mossman Manor Drive Nashville, TN 37217	0.063 acres 1/120 of 7.53 acres	0.0784%
(t) Emily Lorraine Bales Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(u) Donald C. Horton Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(v) Gladys R. Johnson c/o Patrick Johnson 701 Wadsworth Street Radford, VA 24141	0.105 acres 1/72 of 7.53 acres	0.1307%
(x) Clarence Randall McGlothlin Address Unknown	0.157 acres 1/48 of 7.53 acres	0.1961%
(y) Carrie Mullins Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(z) Henry Terrance Plaster 6036 Ozark Drive High Ridge, MO 63049-2966	0.052 acres 1/144 of 7.53 acres	0.0654%
(aa) Rebekah Jane Plaster Address Unknown	0.052 acres 1/144 of 7.53 acres	0.0654%
(bb) James R. Vandyke Address Unknown	0.188 acres 1/40 of 7.53 acres	0.2353%

Docket #VGOB 02-1015-1083
List of Unleased Owners/Claimants

	Acres in Unit	Interest in Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #2A, 7.45 acres</u>		
(1) James M. McGlothlin, et ux. RR1 Box 627 Swords Creek, VA 24649	7.45 acres	9.3125%
<u>Tract #2B, 0.01 acres</u>		
(1) Grady G. McGlothlin P.O. Box 955 Raven, VA 24639	0.01 acres	0.0125%
<u>Tract #4, 7.53 acres</u>		
(1) Avis Belle Plaster, et al. (Emily McGlothlin Heirs) (Lot #5)	7.53 acres	9.4125%
(a) Pearl Ethel Boyd Heirs, Devisees, Successors or Assigns		
(a.1) Bennie Boyd Rt.1 Box 40A Raven, VA 24639	0.188 acres 1/40 of 7.53 acres	0.2353%
(b) Claudine R. Campbell Box 100 Edwards Street Narrows, VA 24124	0.105 acres 1/72 of 7.53 acres	0.1307%
(i) Ida Mae Mitchell 890 Euhartegge Road Caterville, GA 30120	0.035 acres 1/216 of 7.53 acres	0.0436%
(n) Helen Vandyke Heirs, Devisees, Successors or Assigns		
(n.1) Elmer Vandyke Rt.1 Box 40 Raven, VA 24639	0.188 acres 1/40 of 7.53 acres	0.2353%
(p) Roy Lee Vandyke 102 Apt. Mossman Manor Drive Nashville, TN 37217	0.063 acres 1/120 of 7.53 acres	0.0784%
(t) Emily Lorraine Bales Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(u) Donald C. Horton Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(v) Gladys R. Johnson c/o Patrick Johnson 701 Wadsworth Street Radford, VA 24141	0.105 acres 1/72 of 7.53 acres	0.1307%
(x) Clarence Randall McGlothlin Address Unknown	0.157 acres 1/48 of 7.53 acres	0.1961%

Docket #VGOB 02-1015-1083
List of Unleased Owners/Claimants

	Acres In Unit	Interest in Unit
(y) Carrie Mullins Address Unknown	0.035 acres 1/216 of 7.53 acres	0.0436%
(z) Henry Terrance Plaster 6036 Ozark Drive High Ridge, MO 63049-2966	0.052 acres 1/144 of 7.53 acres	0.0654%
(aa) Rebekah Jane Plaster Address Unknown	0.052 acres 1/144 of 7.53 acres	0.0654%
(bb) James R. Vandyke Address Unknown	0.188 acres 1/40 of 7.53 acres	0.2353%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #2A, 7.45 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	7.45 acres	9.3125%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) James M. McGlothlin, et ux. RR1 Box 627 Swords Creek, VA 24649	7.45 acres	9.3125%
<u>Tract #2B, 0.01 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.01 acres	0.0125%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Grady G. McGlothlin P.O. Box 955 Raven, VA 24639	0.01 acres	0.0125%
<u>Tract #4, 7.53 acres</u>		
<i>Escrow due to Unknown and/or Unlocatable</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Avis Belle Plaster, et al. (Emily McGlothlin Heirs) (Lot #5)	7.53 acres	9.4125%
(t) Emily Lorraine Bales Address Unknown	0.034 acres 1/216 of 7.53 acres	0.0431%
(u) Donald C. Horton Address Unknown	0.034 acres 1/216 of 7.53 acres	0.0431%
(x) Clarence Randall McGlothlin Address Unknown	0.155 acres 1/48 of 7.53 acres	0.1940%
(y) Carrie Mullins Address Unknown	0.034 acres 1/216 of 7.53 acres	0.0431%
(aa) Rebekah Jane Plaster Address Unknown	0.052 acres 1/144 of 7.53 acres	0.0647%
(bb) James R. Vandyke Address Unknown	0.186 acres 1/40 of 7.53 acres	0.2328%

Docket #VGOB 02-1015-1083
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Avis Belle Plaster, et al. (Emily McGlothlin Heirs) (Lot #5)	7.53 acres	9.4125%
(t) Emily Lorraine Bales Address Unknown	0.000 acres 1/216 of 7.53 acres	0.0000%
(u) Donald C. Horton Address Unknown	0.000 acres 1/216 of 7.53 acres	0.0000%
(x) Clarence Randall McGlothlin Address Unknown	0.000 acres 1/48 of 7.53 acres	0.0000%
(y) Carrie Mullins Address Unknown	0.000 acres 1/216 of 7.53 acres	0.0000%
(aa) Rebekah Jane Plaster Address Unknown	0.000 acres 1/144 of 7.53 acres	0.0000%
(bb) James R. Vandyke Address Unknown	0.000 acres 1/40 of 7.53 acres	0.0000%

0500806

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 3-14, 2005. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:27 o'clock A.M., after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Diane DavisTESTE: DOLLIE M. COMPTON, CLERK
BY: Jennifer Kendrick D. CLERKINSTRUMENT #050001122
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY ON
MARCH 14, 2005 AT 01:16PM
JAMES E. BLEVINS, CLERKJudy A. Shaver, DC
RECORDED BY: JMS